

(III) HAS BEEN CONVICTED OF MURDER IN THE FIRST DEGREE, RAPE IN THE FIRST DEGREE, OR A SEXUAL OFFENSE IN THE FIRST DEGREE, UNLESS THE SENTENCING JUDGE, AT THE TIME OF SENTENCING OR IN THE EXERCISE OF THE JUDGE'S REVISORY POWER UNDER THE MARYLAND RULES, RECOMMENDS THAT THE INDIVIDUAL BE REFERRED TO THE INSTITUTION FOR EVALUATION.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 31B, § 1(f).

In the introductory language of paragraphs (1) and (2) and in paragraph (2)(iii) of this subsection, the references to an "individual" are substituted for the former references to a "person" because only a human being, and not the other entities included in the defined term "person", can be confined at the Patuxent Institution. See § 1-101 of this article for the definition of "person".

In paragraph (1)(ii) of this subsection, the reference to an emotional "imbalance" is substituted for the former reference to an emotional "unbalance" for clarity.

In paragraph (1)(v) of this subsection, the reference to eligibility criteria established by the Secretary under "§ 4-208(b) of this title" is substituted for the former reference to eligibility criteria established by the Secretary under former "[Art. 31B,] § 8" (revised in § 4-301 of this title) because former Art. 31B, § 8(a) (revised in § 4-301(a)(1)(v) of this title) simply referred back to eligibility criteria established by the Secretary under former Art. 31B, § 4A(c) (revised in § 4-208(b) of this title).

Defined terms: "Institution" § 4-101

"Secretary" § 1-101

(F) EVALUATION TEAM.

"EVALUATION TEAM" MEANS A TEAM OF AT LEAST THREE PROFESSIONAL EMPLOYEES OF THE INSTITUTION, ONE OF WHOM SHALL BE A SOCIAL WORKER, ONE OF WHOM SHALL BE A PSYCHOLOGIST, AND ONE OF WHOM SHALL BE A PSYCHIATRIST.

REVISOR'S NOTE: This subsection formerly was Art. 31B, § 1(g).

The only changes are in style.

Defined term: "Institution" § 4-101

(G) INSTITUTION.

"INSTITUTION" MEANS THE PATUXENT INSTITUTION.

REVISOR'S NOTE: This subsection formerly was Art. 31B, § 1(h).

No changes are made.

(H) REMEDIATION.